MOTION FILED
OCT 16 1984

84- 415

IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA
OCTOBER TERM,1984

LESLIE C. CASE,Plaintiff-Appellant-
Petitioner,

v.

BASF WYANDOTTE CORP.(A corporation of
Michigan), and

NATIONAL GYPSUM COMPANY (A corporation
of Delaware),

Co-Defendants-Appellee-

Respondents.

IN SUPPORT OF

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES SUPREME COURT

MOTION FOR LEAVE TO FILE

BRIEF AMICUS CURIAE AND
BRIEF OF BARBARA N. WYATT
AMICUS CURIAE, PRO SE.

BARBARA N. WYATT as Amicus Pro Se

October 11, 1984

MOTION

Amicus Curiae, Barbara N. Wyatt,moves for leave to file a brief on behalf of the statement of Petitioner Leslie C. Case for a Writ of Certioari to the Supreme Court. The offered statement accompanies this motion.

Amicus was recently informed of this case by Dr. Case. Amicus is commenting based on: experience using the patent system; as past president of Worcester Area Inventors* Club; as current director of the National Congress of Inventor Organizations; as a member of the advisory board of the Small Business Service Bureau (based in Worcester,MA); and current Trustee ofthe National Small Business Association (based in Washington,D.C.).

The instant case is an example of the difficulties and abuses inventors as citizens encounter in their attempt to secure respect and reward for their inventive efforts.

The ever-increasing legal costs and complexities are prohibiting inventors from

asserting their legal rights. I pray the court move to consider the plight of inventors and to ensure they and the system are afforded due respect.

Amicus requests the inventor's position be considered lest the public and inventors witness further deterioration of the patent system.

Article I, Section 8, of the U.S. Constitution seeks to encourage science and the useful arts. In reality, the present system is proving discouraging to inventive efforts.

We have met many inventors through various inventor groups. Most new inventors honestly believe they will secure seventeen years of protection once their United States patent is granted. Only when their "successful" patents are challenged do inventors learn their only right is the right to exclude others.

The hard reality is that most independent inventors cannot afford to exercise their right to exclude others.

One key question becomes: Does an inventor really have any rights if he cannot afford to sue? Many inventors, not satisfied with lower court decisions, cannot afford appeals. These inventors have had to expend energies litigating because they could not afford representation.

Did the creators of this patent system ever envision they would be creating a legal albatross that could no longer function for the very individuals they were supposed to be encouraging?

I would like to request that the Supreme Court consider the "rights" of inventors in light of this present case.

Consider too the way the system has evolved to make it the burden of the inventor to prove validity——twice; once, for the Patent Office and again in the Federal Courts. Why is the inventor-citizen presumed "guilty" when all he was trying to do was to secure protection to warrant investment in a new and better product for public consumption?

I doubt our founding fathers wanted to put our inventors on trial to eventually discourage their creative work.

A country's economy is only as strong as its weakest link. The treatment of in-

dividual inventor rights and the validity issue in the Federal Courts has become the weak link.

The last few years we have met more and more discouraged inventors. The marketplace will not witness the fruits of their inventive work as long as the present system nips and gnaws away at their creative energy.

With due respect to the courts, on behalf of all inventors, I beg that this court help secure the actuality of "due process" to citizen inventors and help encourage science and the useful arts in America. There can be little invention and innovation in a system that fails to recognize and respect the rights of individual inventors, and in effect, sanctions and encourages copying and disrespect for its inventors.